



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,793	08/31/2000	Michael L. Giniger	010079-004	2996

27896 7590 02/14/2003

EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT PAPER NUMBER

2684

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No. 09/652,793	Applicant(s) GINIGER ET AL.	
	Examiner Charles Chow	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-23 and 48-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-23 and 48-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

**Office Action for
Applicant's Amendment
(November/25/2002)**

1. Regarding applicant's election of claims 3-23, and canceling claims 1, 2, 24-47, for the restriction, the election of the claims is final and acknowledged without traverse (MPEP 821.02).
2. Regarding the amending of claim 49 and adding claims 53, 54, based upon the no teachings for the selective enable/disable switch on the mobile device for the transmission of the position information; the modulator/demodulator transmits/receives position and user selected input signals information from the user interface (applicant's page 4, page, 7, page 8), Grimes-'482 teaches the cellular terminal 133 (figurer in cover page) has the location button 307 for user to select to activate, deactivate, the transmission of the location information, either in voice or in digital form (abstract; col. 13, lines 56-61; col. 16, lines 12-17) for the cellular terminal's emergency call to transmit the location information (abstract, summary of invention).

Smith-'827 teaches the portable device 12 (figure in cover page, abstract) transmitting its current position information, for obtaining the current traffic information at different location such that the user could choose, select, the system responded information 3 options (Fig. 2, the 35 minutes, 42 minutes, 25 minute) for selecting the commuter travel route path provided by the system. The user interface is shown in Fig. 2, item 16 for displaying the selection list of three different transit time information (Fig. 1-4, col. 2, lines 8-27; col. 2, line 55 to col. 3, line 9; col. 3, lines 36-48; col. 4, lines 33-37). Thus, it is obvious Smith teaches the transmitting, receiving, from the modulator/demodulator of the portable 12 with the user's

Art Unit: 2684

selection of the commute time (35 min., 42 min. 25 min.) and user interface displaying the received communication signals for the commuter route path (Fig. 3) to user via display 42.

3. Acknowledgement of the non-final office action is required for this amendment filed on 11/25/2002, as shown in applicant's amendment page 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 5,025,261) in view of Delorme et al. (US 5,802,492).

Regarding **claim 3**, Ohta discloses a mobile communication device (vehicle 10, Fig. 1, Fig. 2a, abstract) for communication with a server (key station 20, Fig. 1, Fig. 2b, abstract) over communication network (network and system in Fig.1; the 800-900 MHz in col. 5, lines 37-39; the vehicle 10 comprises the radio transceiver 105 and 105 could be portable telephone, MCA personal transceiver, col. 4, lines 18-26). Ohta discloses the mobile object determines the current position, transmits position data to key station, and receiving database retrieved map data information from key station (abstract).

Ohta discloses the receiver configured to receive position signals (GPS receiver 102, Fig. 2a).

Art Unit: 2684

Ohta discloses the processor coupled to said receiver (Fig. 2a, it shows the coupled signal-composition-circuit 107, image processing unit 110, the comparator 108, and the identification signal generator 103, the GPS receiver 102 coupled to 104, 109) for responding to the position signals to determine position information indicative of a present position of the mobile communication device (abstract, and details in col. 9, lines 19-37).

Ohta discloses a modulator/demodulator (signal composition circuit 104/signal separation circuit 107, Fig. 2a) configured to transmit the position information signal to server (key station) over the communication network (as shown above) to receive position related information from the server (as shown above), wherein the position related information (map data) is a function of the position information. Regarding the selection signal, referring to Delorme below.

Ohta does not clearly indicate the input device and the operator selection.

Delorme teaches input device configured to receive from an operator selection signal indicative of a topic of interest (the input from the keyboard 110, col. 12, line 33; for the computer aided routing and positioning system, col. 12, lines 22-41; col. 12, line 60 to col. 13, line 4). The position related information, point-of-interest POI, displayed on screen is for user to select the POI in abstract, Fig. 1b-1D; col. 15, lines 61-67; col. 16, lines 26-30; col. 16, lines 44) using GPS system (col. 5, line 9; col. 12, line 37) for obtaining the current vehicle position (abstract). Beside, Delorme's input device could be the voice recognition system (col. 12, lines 57-60). Delorme's point-of-interest information for the current vehicle position could be the restaurants, hotel, cities, municipalities, airport, hospital, zoos,

Art Unit: 2684

museums (col. 8, lines 13-21), and the computer could be portable laptop, or personal digital assistant PDA (col. 12, line 57 to col. 13, line 4).

Delorme also teaches the driver in the vehicle on the road for browse the position related information for restaurant in Seattle (col. 17, line 66 to col. 18, line 9). Delorme teaches the retrieved menu from system is displayed for user to select the POI using buttons (Fig. 1B-1D, col. 16, lines 24-44). The position related information is a function of the vehicle current position for a restaurant in Seattle. It is apparently obvious to include Delorme's input device to allow user to select the POI for the received menu, to Ohta. By doing so, the system could be upgraded to allow user to select the desire point-of-interest based on the current vehicle location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Delorme's input keypad/button and POI selection for the received menu, to Ohta as modified above, such that system could be upgraded to allow user to select the point-of-interest based on the current location.

Regarding **claim 4**, referring to examiner's comment from Delorme above, from the plurality of point-of-interest POIs (abstract).

Regarding **claim 5**, referring to examiner's comment from Ohta in claim 1 for the GPS receiver 102 for the vehicle 10's navigation apparatus 100.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, and further in view of Wang et al. (US 5,365,451).

Art Unit: 2684

In the above, it does not indicate clearly enough for the details of periodically update in the network.

Regarding **claim 6**, Wang teaches the processor periodically determines the position information from position signals received (abstract, Fig. 1-9) by said receiver (receiver in mobile 16, Fig. 2) and said modulator/demodulator periodically transmits the position information to the server (the mobile unit determine their current locations from GPS satellite, front figure, Fig. 1, abstract; the repetitively determine their current location in a regular schedule; the update location data maintain in the network, in abstract, col. 1, lines 9-12; col. 9, line 54 to col. 10, line 5). The comparing time stamp and transmit current location (Fig. 6, steps 102, 104, 79). It is apparently obvious to include Wang's repetitively updating and determining the current position and update the position information maintain in the network, to Ohta. By doing so, the system could maintain the most updated position information for providing the efficient service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Wang's determining current position, and update the position information maintain in the network, to Ohta as modified above, such that system could maintained the most updated position information for providing the efficient service.

Regarding **claim 7**, referring to examiner's comment in claim 6 above for the periodically update with a refresh interval using Wang's time stamp step 102, 104.

Regarding **claim 8**, referring to examiner's comment from Delorme for the alphanumeric keypad input entry device.

Art Unit: 2684

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, and further in view of Khamis et al. (US 5,930,729).

In the above, it does not clearly indicate the DTMF.

Regarding **claim 9**, Khamis teaches a dual tone multiple frequency DTMF generator 161 (Fig. 4B) responsive to the alphanumeric entry to supply a DTMF selection signal to said modulator/demodulator (mixer 155, the demodulator mixer amp 182, in Fig. 4B). It is apparently obvious to include Khamis's DTMF conversion for the cellular phone, to Ohta's modified system. By doing so, Ohta's system could be upgraded by efficiently using the available DTMF for encoding/decoding the alphanumeric input. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Khamis' DTMF generator for encoding/decoding, to Ohta as modified above, such that the system could be upgraded for encoding/decoding the alphanumeric input.

Regarding **claim 10, 11**, referring to examiner's comment from Delorme above for the voice recognition system (col. 12, lines 57-58), the microphone coupled to the modulator (Khamis, Fig. 8) for transmitting audio signal to the server, and the microphone input, the voice recognition system for user selection of the POI from Delorme.

7. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, and further in view of Morimura et al. (Us 5,438,695).

In the above, it does not clearly indicate the microphone isolation circuit.

Art Unit: 2684

Regarding **claim 12**, Morimura teaches the microphone isolation circuit configured to disconnect an output of said microphone from said mod./demod. during reception (the cellular telephone used in the transceiver on/off operation having the microphone switch 16, ear receiver switch 15, for controlling (Fig. 3, steps 155, 157) the audio from microphone 18, to ear receiver 17 (speaker), to avoid the disruption to the ongoing voice conversation during the battery change. It is clearly obvious to include Morimura's switch control for the microphone/ear speaker to the cellular communication device to Ohta system. By doing so, Ohta's system would provide better voice transmission/receiving control, alike the regular push-to-talk device, the voice signal could avoid the interruption due to the transmission, receiving operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Morimura's switches 16/15 for controlling microphone/ear speaker, to Ohta as modified above, such that the voice signal could avoid the interruption due to the transmission, receiving operation.

Regarding the reception of the position related information, referring to claim 3 above.

Regarding **claim 13**, referring to examiner's comment from Delorme for the audio output speaker 107 as shown in col. 13, line 62 to col. 14, line 4.

Regarding **claim 14**, referring to examiner's comment from Morimura for the speaker isolation circuit (switch 15 for ear receiver-speaker to isolate the speaker 17 from emanating).

Art Unit: 2684

Regarding **claim 15, 16**, referring to examiner's comment in claim 3 above for the modulator/demodulator, the wireless network, analog phone of 800-900 MHZ, MCA personal transceiver.

Regarding **claim 17**, referring to examiner's comment in claim 3 above for PDA of the digital wireless telephone (col. 12, lines 62-65 from Delorme).

Regarding **claim 18**, referring to examiner's comment in claim 3 above for the laptop computer (col. 12, line 65 from Delorme).

Regarding **claims 19, 20, 21, 22**, referring to examiner's comment from Delorme (col. 6, lines 10-19) that the received point of interest information could be audio, text, image, video signal.

8. Claim 23, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, and further in view of Thompson (US 5,109,399).

In the above, it does not clearly indicate the emergency response and forward position information.

Regarding **claim 23**, Thompson teaches the mobile comm. device is configured to send an emergency response to the server to cause the server to forward the position information to an emergency response system (the emergency call locating system, title; the displaying of the caller's location; the interface to private network, abstract, Fig. 4 with position related information, swimming pool, gasoline tank, C & O railroad). In col. 1, line 63 to col. 2, line

Art Unit: 2684

14, Thompson considers the map information could be distributed by serving operator, to other appropriate emergency service agencies, such as police, fire, or medical department, for a quick, positive rescue. It is apparently to be obvious for including Thompson's emergency locating of the caller and redistribute the map to other proper agencies, to Ohta, such that Ohta's system could efficiently sending the emergency location information to the appropriate agencies for help. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Thompson's emergency response to send current mobile position to proper agencies, to Ohta as modified above, such that system could efficiently provide the help according to the emergency location.

Regarding **claim 48** referring to examiner's comment in claim 3 for the associated receiver; the process; the modulator/demodulator, and the position report.

9. Claims 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, Thompson, and further in view of Emmons (US 5,703,598), and Grimes (US 5,479,482).

In the above, it does not include the enabling, disabling the position reporting.

Regarding **claim 49**, Emmons teaches the position reporting enabling unit is an enable/disable switch (the timer 24 for controlling the switch circuit for enabling/disabling of the GPS receiver/transmitter for transmitting current location for the stolen vehicle or other property, abstract, front figure, col. 1, lines 4-10). Emmons considers the GPS transmitter is disabled by timer, but may be enabled by a subsequent signal from the central

Art Unit: 2684

station with for additional period of time (col. 1, lines 58-63). It is apparently obvious to include Emmons' timer for automatic controlling of the GPS receiver/transmitter, to Ohta, such that the system could be upgraded with the automatic timer control for enabling/disabling of the GPS receiver/transmitter with efficiency. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Emmons' timer 24/switch 22 for automatic controlling of the GPS receiver/transmitter, to Ohta as modified above, such that that the system could be upgraded with the automatic timer control for enabling/disabling of the GPS receiver/transmitter with efficiency.

Regarding the amended portion, an enable/disable switch on the mobile comm. device, Grimes teaches the cellular terminal 133 (figurer in cover page) has the location button 307 for user to select to activate, deactive, the transmission of the location information, either in voice or in digital form (abstract; col. 13, lines 56-61; col. 16, lines 12-17) for the cellular terminal's emergency call to transmit the location information (abstract, summary of invention). It is apparently obvious to include Grimes' location button 307, to Ohta, such that the user could have the activate or deactivate the location switch for transmission of the location information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Grimes' location button 307, to Ohta as modified above, such that the system could be upgraded such that user could have the option to activate or deactivate the location switch for transmission of the location information.

Regarding **claim 50**, referring to examiner's comment in claim 7 for the periodically determining, the refresh interval.

Regarding **claim 51**, referring to examiner's comment from Emmons for the position reporting could be also enabled by central station to reset, override the refresh interval, as shown above, the central station could enable the GPS receiver/transmitter by a subsequent signal for additional period of time, as a reset override interval (col. 1, lines 58-63).

Regarding **claim 52**, referring to examiner's comment in claim 5 above, for the GPS receiver.

Regarding **claim 53**, referring to Grimes above for the based upon mobile user's input for selectively enables and disables the transmission of the position information, by using the location button 307 for the cellular terminal user.

10. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Delorme, and further in view of Smith, Jr. et al. (US 5,774,827).

In the above, it does not clearly indicate the transmitting, receiving, the communication signal, from/to, user interface.

Regarding **claim 54**, Smith teaches the portable device 12 (figure in cover page, abstract) transmitting its current position information, for obtaining the current traffic information at different location such that the user could choose, select, the system responded information 3 options (Fig. 2, the 35 minutes, 42 minutes, 25 minute) for selecting the commuter travel route path provided by the system. The user interface is shown in Fig. 2, item 16 for displaying the selection list of three different transit time information (Fig. 1-4, col. 2, lines 8-27; col. 2, line 55 to col. 3, line 9; col. 3, lines 36-48; col. 4, lines 33-37). Thus, it is

Art Unit: 2684

obvious Smith teaches the transmitting, receiving, from the modulator/demodulator of the portable 12 with the user's selection of the commute time (35 min., 42 min. 25 min.) and user interface for displaying the received communication signals for the commuter route path (Fig. 3) to user via display 42. It is apparently obvious, if not inherent, to include Smith's user interface to select the commute time for transmitting, and receiving the commute route path displayed on the display 42, based on the position and current traffic information, to Ohta, such that the user could communicate with system via the user interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Smith's user interface to select the commute time for transmitting, and the receiving the commuter path route displayed on the display 42, based on the position and current traffic information, to Ohta as modified above, such that the user could communicate with system using the user interface.

***Response to Arguments
And
Conclusion***

11. Applicant's arguments with respect to claims 3-23, 48-54 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment for claim 49 and adding claims 53, 54, based upon the no teachings for the selective enable/disable on the mobile device for the transmission of the position information; the modulator/demodulator transmits/receives position information and the user selected input signals from the user interface (applicant's page 4, page 7, page 8), Grimes-'482 teaches the cellular terminal 133 (figurer in cover page) has the location button 307 for user to select to activate, deactive, the transmission of the location information, either

Art Unit: 2684

in voice or in digital form (abstract; col. 13, lines 56-61; col. 16, lines 12-17) for the cellular terminal's emergency call to transmit the location information (abstract, summary of invention).

Smith-'827 teaches the portable device 12 (figure in cover page, abstract) transmitting its current position information, for obtaining the current traffic information at different location such that the user could choose, select, the system responded information 3 options (Fig. 2, the 35 minutes, 42 minutes, 25 minute) for selecting the commuter travel route path provided by the system. The user interface is shown in Fig. 2, item 16 for displaying the selection list of three different transit time information (Fig. 1-4, col. 2, lines 8-27; col. 2, line 55 to col. 3, line 9; col. 3, lines 36-48; col. 4, lines 33-37). Thus, it is obvious Smith teaches the transmitting, receiving, from the modulator/demodulator of the portable 12 with the user's selection of the commute time (35 min., 42 min. 25 min.) and user interface displaying the received communication signals for the commuter route path (Fig. 3) to user via display 42. In view of the disclosures from the cited prior arts, applicant's arguments are moot and claims 3-23, 48-54 are remaining in the rejection manner.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)-308-6732.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2684

Washington, D.C. 20231


or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

Charles Chow

January 27, 2003.


2/10/03
